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STATEMENT

BY

THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

before the

SUBCOMMITTEE ON CIVIL RIGHTS & CONSTITUTIONAL RIGHTS

of the

HOUSE JUDICIARY COMMITTEE

on

FBI Review Completed

FBI OPERATIONS

10:00 A.M.
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Mr. Chairman and Members of the Committee:

I have been asked to appear here today to discuss the information-gathering practices and the files of the Federal Bureau of Investigation with respect to public officials, members of Congress, and citizens generally.

I realize that some time ago the Committee invited the Deputy Attorney General and the Director of the Bureau to testify on these subjects. With your agreement, their appearance was deferred until today so that I might join them in presenting the description of past practices, the present situation, and our thoughts for the future. What I have to say is to a considerable extent the result of a collaborative effort. The Director will present a statement to supplement my testimony and both the Deputy Attorney General and the Director will assist in responding to questions.

After but three weeks of being Attorney General, I do not have the depth of knowledge possessed by the Deputy Attorney General and the Director. The Deputy Attorney General has personally reviewed many of the files which will be mentioned in this testimony, as has the Bureau's Office of Inspection. There has obviously not been sufficient

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time for me to do this, but I have personally examined some of the files considered most relevant in the effort to consider future guidelines or controls.

I should like to emphasize most strongly at the outset both my personal and official concern for the issues which are involved. These issues are close to the basic duties of the Attorney General to protect the society and the safety of our fellow citizens.

During the hearings on my confirmation I made a commitment to examine the practices of the Bureau in collecting information on individuals, including Congressmen. I assumed the obligation to develop guidelines, after appropriate consultation, on the acquisition, retention, and use of this information. While I have been Attorney General for only a brief period and the important issues with which I have been confronted have been many, I have given the highest priority of my time and effort to the subject matter of these hearings and to the development of standards or rules which may minimize the possibilities for abuse. My testimony today is in the nature of a report on the beginning steps in this endeavor.

The testimony is divided into three parts. First, I will set forth briefly the jurisdictional bases for the authority of the Bureau to engage in investigative activity. Second, I will endeavor to describe the practices of the Bureau in acquiring information about public officials,

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Congressmen, and other citizens. In this connection, I will also describe in categories the "Official and Confidential" files that were retained by Director Hoover in his office suite. I am giving this emphasis to a discussion of these "Official and Confidential" files because I know there have been rumors and concern about them as being "dossiers," having a potential chilling effect on civil liberties and the political process.

Third, I want to share with you the results of our review of the practices of the Bureau and to give you my present judgment as to the types of abuses which past incidents suggest may require further safeguards.

I. Investigative Jurisdiction of the FBI

The basic authority of the Federal Bureau of Investigation is drawn from section 533 of Title 28 of the United States Code. Under that statute, the Bureau is assigned the responsibility to "detect . . . crimes against the United States." It is pursuant to this provision of the statute that the FBI performs most of its work -- namely, investigating persons or incidents when there is reason to believe that a federal crime has been or is likely to be committed so that the violators can be prosecuted or the crime prevented. While this provision of the statute vests in the Bureau general

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investigative authority over criminal violations, there are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act (18 U.S.C. 351), which vest in the Bureau specific responsibilities to investigate violations.

Under 28 U.S.C. 533, the Bureau is also authorized to investigate matters where no prosecution is contemplated. Paragraph (3) of that section authorizes the Bureau "to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." It is pursuant to this paragraph and the constitutional authority of the President that particular non-criminal investigative responsibilities have been assigned to the Bureau. For example, under several Executive Orders, the FBI is vested with the responsibility to conduct background security checks prior to appointment of individuals to sensitive positions. The Bureau has also been directed or authorized by Presidential statements or directives to gather information about activities that jeopardize the security of this Nation. Thus, as reported in United States v. United States District Court, 444 F.2d 651 at 659, on May 21, 1940, President Roosevelt sent a confidential memorandum to the Attorney General authorizing investigative agents "to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States including suspected spies." The President further directed

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the Attorney General "to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." Such Presidential statements or directives, of course, have to be considered as conditioned by the developing constitutional law on the powers of the President, and also have to be seen in the setting of legislative enactments and court decisions on the appropriate procedures for investigation.

Executive Order 10450 approved April 27, 1953, and since amended, requires investigation by the FBI of employees and applicants in the Executive Branch of the Federal Government on loyalty grounds as did Executive Order 9835, which it replaced. Under Executive Order 10450, the Bureau is also assigned the duty to disseminate to the heads of other departments and agencies and to the Civil Service Commission any information which has been received by the Bureau that bears on an employee's loyalty, character, or integrity. The order is specific on a variety of items deemed relevant. Thus, if a civil servant in the Department of Agriculture comports himself in a fashion that falls within the scope of the criteria of Executive Order 10450, and the FBI becomes aware of it, the Bureau is required to advise the proper official at the Department of Agriculture and the Civil Service Commission. I should point out the Executive Order applies only to employees of the Executive Branch.

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If information received involves a question of loyalty on the part of an employee of an agency of the Executive Branch of the Government, the FBI would then conduct the investigation. If information received by the FBI pertains only to the employee's suitability, the Bureau conducts no investigation. However, the unsolicited data received by the Bureau is forwarded to the employing agency and the Civil Service Commission. In addition, the Bureau also conducts investigations under Executive Order 10450 at the request of the employing agency when such agency has developed information bearing on the loyalty of the employee.

During the fiscal year of 1974, 367,656 security forms were received by the FBI for processing under Executive Order 10450 and 935 investigations were conducted by the FBI under Executive Order 10450. At the present time, we do not have statistics on the total number of reports on government employees passed by the FBI to other agencies of the Executive Branch under Executive Order 10450.

In brief summary, then, the Bureau's investigative authority gives it responsibility to investigate violations of Federal law, to conduct background investigations for government employment, and to gather information bearing on our Nation's security.

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II. Files Compiled by the FBI on Public Officials, Congressmen, and Private Individuals

The Bureau currently maintains a total of approximately six and one-half million files and 55 million index cards that cross-reference these files. (These numbers do not include what is commonly referred to as identification records which consist of arrest, conviction and fingerprint records. They are maintained in a separate system.) Ordinarily each file is contained in one file jacket which can vary in volume from one page to hundreds of pages. Each file typically involves a single subject matter. For example, if a Senator is the victim of seven separate assassination threats, seven separate files are opened.

The FBI maintains the same kinds of files on members of Congress as it does on other American citizens. We have prepared for the Subcommittee's information an appendix entitled "FBI Information-Gathering Practices with Respect to members of Congress." The following discussion of the types of FBI files on members of Congress would apply equally to any public official; or indeed to any citizen.

The files maintained by the Bureau on members of Congress fall into five categories.

The first category covers instances in which individual Congressmen or Senators are the victims of criminal activity.

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The most common examples of this type of material are files on extortion demands and assassination threats. These extortion demands and assassination threats files represent fully 79 per cent of the files relating to Senators (700 files) and 30 per cent of those relating to Congressmen (219 files). In addition, less than one per cent of the files on Senators (six files) and House Members (four files) contain "Victim -- Security" designations. Only when a member of Congress is threatened by an extremist group is the file designated "Victim -- Security."

Second, the Bureau maintains files on Congressmen or Senators who are the target of a Federal criminal investigation. These criminal investigative files comprise about three per cent of the files on Senators (30 files) and about eight per cent of the files relating to House Members (55 files). In addition, about one per cent of the Senate files (seven files) and slightly over two per cent of the files relating to House Members (17 files) carry "Subject -- Security" designations, and include investigations relating to possible violations of the security laws, the laws prohibiting disclosure of classified information, and Foreign Agents Registration Act, and so forth.

The third category encompasses files relating to background investigations -- commonly known as "full field investigations" -- on those Congressmen or Senators who have been appointed to or considered for Executive Branch positions or other positions

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for which a background check is required. These files represent almost two per cent of those relating to Senators (18 files) and slightly more than seven per cent of those relating to members of the House (53 files).

Fourth, the Bureau maintains files -- carrying the designation "Laboratory Cases" -- covering requests for FBI laboratory work in cases received from other law enforcement agencies in which individual Senators or Congressmen are the victims. For example, a Chief of Police requested an examination of certain materials found on the exterior of a Senator's home which had been vandalized. These files represent two per cent of the files relating to Senators (14 files) and House Members (16 files).

Finally, the Bureau maintains files involving correspondence with or about the Congressman. These files represent approximately 12 per cent of the files relating to Senators (108 files) and approximately 50 per cent of those relating to House Members (358 files). Typically, the files include correspondence with individual Congressmen or Senators relating to matters which are of interest to them. For example, a Congressman will write to the Bureau requesting crime statistics or the Director's views on capital punishment, juvenile delinquency, or legalized gambling. The correspondence files also contain information volunteered by American citizens in the nature of "allegations" against individual members of Congress. In some cases, these "allegations" may involve the member's personal life such as morals or drinking habits.

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If one totals all the files on current members of Congress in the five categories which I have mentioned, the number of files is 1,605 -- 883 relating to members of the Senate, and 722 pertaining to members of the House of Representatives. It may be important to clarify that the files are cross-referenced by index cards. Thus, if a Congressman's name appears in one file, the FBI's Files and Communications Division may prepare an index card so the information in this file can be retrieved expeditiously.

I should add that the legislative liaison section of the FBI maintains a record of its contacts with members of Congress and other information of the sort typically held by legislative liaison offices of other government agencies. This information is recorded on index cards. The cards are not themselves regular FBI files, nor does the regular FBI file index refer to them. They ordinarily contain biographical material of the same sort that is listed in a "Who's Who" entry or indeed in the Congressional Directory. In addition, the cards generally record the liaison section's correspondence with or concerning members of Congress, notations of informal FBI contacts with members of Congress, and public record material such as statements members have made concerning their positions on issues in which the Bureau has an interest. I should also point out that some

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cards contain information retrieved from the Bureau's regular files. Information of that sort is retrieved and recorded when, for example, a member of Congress has inquired about an investigation or is a victim of a crime. A partial review of the cards kept by the legislative liaison section indicated that they generally do not contain derogatory information concerning the personal life or morals of members of Congress. The partial review did, however, turn up one instance in which a derogatory allegation received by the Bureau in official correspondence concerning an individual who is no longer in the Congress was listed on a card. In this instance, the information was identified as being unsolicited and unsubstantiated.

I should now like to go back to the question, which I know has been a major concern, of how the Bureau ought to handle the unsolicited allegations concerning the members of Congress received by the Bureau. I have heard recommendations that the Bureau should be prohibited from retaining any unsolicited allegations if the allegations do not relate to conduct or activities within the FBI's criminal investigative jurisdiction. As Director Kelley has indicated in his public statement on this matter, if an unsolicited allegation received by the Bureau does not come within its investigative jurisdiction over criminal violations, a letter stating this is sent to the individual who made the allegation. But under current procedure, both the letter containing the allegation and the FBI's response are then retained and filed by the Bureau.

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I realize there are policy considerations which argue in favor of retention of the unsolicited material allegations which on their face do not come within the Bureau's jurisdiction at the time they are received but which may come within the jurisdiction at a later time because of additional facts or circumstances. A vitriolic allegation concerning a Congressman can become of importance later on if the Bureau subsequently receives an anonymous extortion or assassination threat against the Congressman. There are other examples not difficult to imagine in which the allegation, as part of a developing later picture, becomes relevant and significant. If an investigative agency destroys material it has received and later it is claimed that the material should have alerted the agency to all kinds of serious problems, that criticism may be impossible to evaluate. The criticism indeed may be justified; the destruction of the information may have been improperly motivated. Nevertheless, I suggest a procedure could be devised and authenticated to screen materials to be retained, or to periodically review materials from this standpoint.

But whatever the ultimate decision on this is, I believe an overriding issue is not retention or return or destruction, but rather what the FBI does with respect to allegations either inside or outside of its jurisdiction. These allegations are unsubstantiated charges. Are they kept secure by the Bureau from improper use or dissemination? I realize this question will

not arise if the information is destroyed, but this seems to me to be too easy a circumvention of the central and broader inevitable question as to which the quality of the Bureau and appropriate guidelines and protective rules should give a reassuring answer.

It is at this point that I believe I must refer to a past practice of the Bureau with respect to certain files, not with reference to their subject matter, but to their location. The review of FBI files on individual Congressmen disclosed certain files -- marked "Official and Confidential" or simply "OC" -- that were retained by Director Hoover in his office suite. These files were removed from Mr. Hoover's office suite following his death and taken to an adjoining office occupied by the then Associate Director of the FBI.

The "OC" files dated back to the 1920's. In late 1941, Mr. Hoover reorganized the confidential files maintained in his office suite; he described them as including "various and sundry items believed inadvisable to be included in the general files of the Bureau." He directed that many of the materials then in his office suite be transferred either to the office of the then Assistant FBI Director in charge of the Administrative Division (who had responsibility for files and other crime records generally), or to what was then known as the National Defense Division. The material transferred to the National Defense Division included confidential memoranda on undercover employees, including those

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working on the war effort; confidential informants; national security surveillances; and similar items.

Mr. Hoover directed that the materials to be retained in his office suite following these transfers "be restricted to confidential items of a more or less personal nature of the Director's and items which (Director Hoover) might have occasion to call for from time to time, such as memoranda to the Department on the Dies Committee, etc." The official and confidential files maintained in Mr. Hoover's office suite represented 164 file jackets or folders. They cover a period from the 1920's to shortly before Mr. Hoover's death in 1972. Of the 164 files, one had no date, and 131 contained entries limited to one decade -- that is, all of the material in the folder was entered in a single decade. Most of the files were compiled between 1940 and 1960. A breakdown of the relationship of these files to various time periods is as follows: in the 1920's -- 1; in the 1930's -- 5; in the 1940's -- 55; in the 1950's -- 25; in the 1960's -- 28; in the 1970's -- 17.

Some of the files covered two decades. There were four files covering the two decades of the 1930's and 1940's; seven in the 1940's to the 1950's; eight in the 1950's to the 1960's; and three in the 1960's to the 1970's.

The remaining 10 folders covered the time periods of three or more decades: five covered three decades, four spanned four decades, and one file covered five decades. Of the 164 OC files, 106 pertain to individuals, three to organizations, and

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55 to miscellaneous matters. The three pertaining to organizations all relate to the Communist Party.

We have also broken down the OC files by subject matter into the following areas: policy matters; administrative matters; materials pertaining to Mr. Hoover or the FBI; reference material; internal personnel matters; protection of sources or sensitive information; public figures or prominent persons; and matters which appeared to be of particular personal interest to Mr. Hoover. Details concerning these categories are as follows:

(1) Policy Matters

There were 21 folders that pertain to policy matters, covering such broad areas as an agreement with the Secret Service concerning Presidential Protection; Presidential directives regarding the role of the FBI in the security field; conversations between Mr. Hoover and a President-elect regarding the role of the FBI in his forthcoming Administration; letters to and from the White House regarding expansion of FBI legal attache posts abroad; and a statement outlining FBI policies regarding civil rights and domestic violence prepared in 1947 for Mr. Hoover's use in addressing the President's Committee on Civil Rights.

(2) Administrative Matters

There were 40 folders considered to fall within the category of administrative matters. Some examples are as follows: memoranda regarding an Attorney General's

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decision with respect to supervision of the FBI by an Assistant Attorney General, the Bureau's recommendations for improved security measures at the Capitol; letters to Mr. Hoover from an individual declining employment in the FBI; memoranda between the Bureau and the Department concerning reimbursement for funds expended for Department of Justice applicant investigations; and a memorandum concerning the briefing of the President by Mr. Hoover and the Attorney General with respect to certain intelligence activities by hostile nations within the United States.

(3) Matters Pertaining to Mr. Hoover or the FBI

Encompassed within this category are thirteen folders that include such things as memoranda regarding efforts on the part of various people to have Mr. Hoover replaced as Director; information concerning an alleged smear campaign against Mr. Hoover; derogatory remarks about him; and so forth.

(4) Reference Material

There were four folders in this category containing information concerning materials developed indicating foreign influence in certain domestic extremist movements; a compilation of data concerning the 1964 riots; organized crime matters; and a report of incidents involving explosives and incendiary devices.

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(5) Internal Personnel Matters

There were four folders considered to fall within the category of internal personnel matters. They deal with such things as the poor attitude of an FBI employee; handwritten letters from former FBI agents concerning internal matters within the Bureau; and so forth.

(6) Protection of Sources or Sensitive Information

Fifteen folders comprise this category. Specific examples of this type of information include: the possible defection and redefection of an individual; material on FBI counterintelligence activities; technical devices and techniques; and telephone surveillances involving sensitive coverage in the national security area.

(7) Public Figures or Prominent Persons

There were 48 folders considered to fall within this category. By and large, the material in these folders contained derogatory information concerning individuals. It does not necessarily follow that the derogatory information pertained to the individual named on the caption of the folder; in some instances a folder would contain only a record of a contact between Mr. Hoover and a public figure during which derogatory information concerning another individual was discussed. Some of the derogatory material was developed as a result of official investigations by the Bureau; some was furnished by another government agency; and some was furnished by informants. Included in the

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public figures or prominent persons category were Presidents, Executive Branch officers and 17 individuals who were members of Congress. In the latter category, two of the individuals are still in the Congress. Fifteen of the folders relating to Congressmen were in Director Hoover's OC files; and the other two were in confidential files which as mentioned above were maintained by the then Assistant Director in charge of the Administrative Division.

Some of the OC files relating to Congressmen contain summaries of materials in the regular FBI investigative files specially prepared for meetings which Mr. Hoover had with those Congressmen. Some of the Congressional OC files contain indications of how the material was used. There is a document in one file indicating that derogatory material was improperly disseminated. In this instance an FBI agent forwarded derogatory information to Mr. Hoover concerning a Congressman who had attacked the Director. The file contains a document which indicates that Mr. Hoover disseminated the derogatory information to others in the Executive Branch. We cannot, however, always know what action, if any, was taken with respect to these files. In the case of instances of use of the resources of the FBI by Executive officials outside the Bureau -- a subject which I will discuss in a moment -- the files indicate that, on several occasions, the Bureau was directed to maintain no records with respect to the actions they had

been requested to take

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(8) Items of Personal Interest to Mr. Hoover

There were 19 folders considered to fall within this category. These files include such things as an internal memorandum reporting information from a source that a reporter intended to "expose the incompetency" of an official of an intelligence agency in 1941, and other miscellaneous correspondence to and from individuals.

I do not know why these files were retained in the suite of offices of the Director of the Federal Bureau of Investigation. The range of items in the OC files includes many routine, mundane and totally innocuous materials. I believe it can be concluded that the OC files maintained by Director Hoover do not, except in very limited instances, warrant the term "dossiers" in the pejorative sense.

Looking toward the future, I would be disturbed at the thought of an FBI Director maintaining files on specific individuals in his own personal offices with the unavoidable consequence that the files would be generally suspected of being "dossiers," with various connotations as to purpose or use. Even though the number of OC files on individuals or organizations is relatively small -- particularly since they were gathered over such a long period of time -- the potential effect of the mere knowledge that such files were kept in the Director's office is, I think, obvious. Director Kelley and I both agree that such files should not be so maintained.

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No such files have been maintained by Director Kelley during his tenure as Director of the Federal Bureau of Investigation.

III. Instances of Misuse of the Resources of the
Federal Bureau of Investigation

Moving beyond the OC files, our review disclosed a small number of instances in the past where the resources of the FBI were misused by the Executive Branch. The fact that they have occurred should require us to ensure that measures are taken to preclude or at least minimize the possibility of repetition.

These few abuses were not unique to any particular Administration or to any political party. In order to consider what measures may be appropriate, we have endeavored to characterize the types of abuses to which the Bureau has been susceptible in the past.

(1) Use of the Resources of the FBI to Gather Political
Intelligence

Our review disclosed a few documented instances in which the Bureau at times during the course of an election campaign, was requested to provide -- and did indeed provide -- information which could be used as political intelligence information. In one instance, this involved a check of FBI files on the staff of a campaign opponent.

(2) Improper Use of the FBI in Connection with the
Political Process

In a few instances recorded in Bureau files, an incumbent

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President caused the FBI to gather intelligence relating to a political convention under circumstances that, although cast in legitimate law enforcement terms, could -- and some would say should -- have been suspected of being politically motivated.

(3) Use of the FBI to Report on Certain Activities of Critics of an Administration's Policies

The FBI's files document a few instances in which an incumbent President caused the Bureau to report on certain activities of Members of Congress who were opposed to and critical of his policies.

(4) Use of Information in the FBI Files to Respond to or Discredit Critics

Again, the Bureau files document a very small number of instances in which derogatory information legitimately obtained by the Bureau was disseminated to other members of the Executive Branch to enable them to discredit their critics.

(5) Use of the FBI in Connection with Other Legitimate Law Enforcement Activities

There was one documented instance where the FBI was used to conduct an inquiry for what might be described as political purposes relating to an investigation properly conducted by other Executive Branch officials.

Our review of the files on these matters indicated three common threads that occur throughout. First, the initiation of the improper request was usually from a White House staff member -- purporting to act in the President's name -- to a counterpart subordinate official in the FBI. There are relatively few documented instances of abuse involving the direct participation of a principal -- either a President or the FBI Director -- although

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the principals in certain cases were probably knowledgeable of the action. Second, many of the improper requests for information or activity were cast in terms of "national security" or other legitimate law enforcement purposes. Finally, the instances in which the Bureau was improperly used could have been avoided had former officials of the FBI not been reluctant to utilize available "safeguards." These safeguards are mainly two: first, the availability of the Attorney General as a "lightning rod" to deflect improper requests -- and in some of the instances covered this would have been an important protection for the Bureau; and second, the FBI Director's right, in these kinds of circumstances, of direct recourse to the President -- the nominal "source" of the improper request -- to verify (a) his knowledge that the request had been made, and (b) his judgment that the request was a legitimate one which he would wish to authorize.

The development of measures to preclude or minimize the possibilities for abuse is not an easy task, and I consider that our work in preparing appropriate guidelines is at its beginning, not at its end. We will need a great deal of consultation and undoubtedly help on measures which might be taken. I am sure, of course, we all realize that it is the inherent integrity and quality of the Bureau itself which have been and must be the most important guarantee. But some abuses have occurred and we must attempt to find the best remedial steps which will protect the Bureau in its proper mission.

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While we are at the beginning of our search for and consideration of those steps, there is one obvious measure which I have thought it important to put into effect at once.

I have instructed the Director of the Bureau to report to me immediately any requests or practices which in his judgment are improper or which, considering the context of the request, he believes present the appearance of impropriety. The Director has, in turn, instructed Bureau personnel to report any untoward requests or behavior to him.

There is one other measure that the Department of Justice has supported for some time -- legislation that would impose criminal sanctions on Federal employees who improperly disseminate information about individuals from FBI files. Similar legislation, H.R. 61, has been introduced by the Chairman of this Subcommittee. I believe that legislation in this area is important. This is, of course, the direction of the new privacy laws but they do not cover this situation.

Beyond these two measures, there are obviously other steps that are required and should be considered. We should consider the possibility of an Executive Order which will limit the authority in the White House to make requests directly to the Bureau to a few highly placed White House officials. This is because it is characteristic of a significant number of past abuses that they have involved requests by personnel at the White House to the Bureau. I believe that a proper Executive Order can be drafted which will ensure greater accountability. This would

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by no means be a panacea, but it would be an added protection which may be helpful and should be explored.

We shall also give consideration to the scope and effect of the Executive Order which requires the Bureau to report to heads of Executive departments and the Civil Service Commission unverified allegations on a variety of items which may be relevant to the character of a government employee. The meaning of this order has undoubtedly changed over the course of the years because of intervening case law. But in addition I think we must take into account the need to protect against the tendency of practices in one area becoming contagious in another area. In this sense, the requirement to report in the Executive area has a relevance to the acceptance, perhaps too easily, of the practice to retain information sent in on members of the Legislative Branch.

The preparation of adequate guidelines remains the major task before us. These guidelines will have to speak to the appropriate investigatory areas and the scope of the Bureau's investigating practices in relation to the jurisdiction and authority which has been conferred upon the Bureau. I tried to set forth that jurisdiction and authority earlier in this testimony. They extend to the detection and investigation of crimes against the United States where there is reason to believe these crimes have been committed or are likely to be committed, to conduct investigations for government employment, to gather information important to national security. This is a broad charter but not an unlimited

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one. I believe we are all in agreement that criteria are required to further define the appropriate scope of the Bureau's work and this relates of course also to the question of retention and disclosure of information. The Bureau operates under the supervision of the Department of Justice of which it is a part. The guidelines therefore must, in addition, speak to the effectiveness of this supervision.

Mr. Chairman, I assume we all realize that no agency of government, since it is a human agency, if looked at with the critical eye of hindsight and history over many years, can be totally free of flaws. An examination of these mistakes or tendencies must be seen in perspective. We have examined them to provide that vigilance which is always required, and to safeguard the future. In his nineteen months as Director of the Federal Bureau of Investigation, Clarence Kelley has succeeded in keeping the Bureau out of partisan politics. I trust the steps we have already taken and those which we must devise together will be helpful to the proper and important role of the Bureau.